

# Law Office of Jack Silver

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***Via Electronic Mail***

Judith.Harvey@usdoj.gov

June 24, 2014

Judy Harvey, Attorney  
U.S. Department of Justice  
Environment and Natural Resource Division  
Law and Policy Section  
P.O. Box 7415  
Ben Franklin Station  
Washington, DC 20044-7415

Re: *California River Watch v. City of Willits*  
USDC Case No.: 3:13-cv-03395 VC

Dear Attorney Harvey:

The failure of this office to inform you of our recently concluded settlement in the above-referenced matter was an oversight for which we apologize. In order to rectify this oversight, California River Watch, through this office, will enter into an agreement with the City of Willits to stay all obligations under the recent Settlement Agreement until the Department of Justice has issued an opinion, or the 45-day review period has expired.

This was a case involving highly technical evaluations of the loss of wastewater between the point of intake at the headworks of the wastewater treatment plant, and the various points of discharge. The settlement was worked out in an all-day mediation session facilitated by a court appointed mediator. Considerable time, energy and resources were expended leading up to the settlement, including the work of two experts whose opinions were crucial to the final outcome.

California River Watch believes its environmental concerns have been well addressed by the relief agreed to by the City of Willits. This relief includes an agreement by the City to perform additional surface water testing to determine whether leakage from its ponds is contaminating the adjacent creek. The additional testing is to be performed according to protocols developed by the City's consultant, subject to approval by California River Watch. We have not yet received the consultant's recommended protocols. California River Watch would be agreeable to submitting the protocols for your review prior to making its decision

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regarding their acceptability. Please advise as to whether the Department of Justice is interested in receiving a copy of the protocols and offering its input.

Again, our apologies for deviating from our customary practice of informing the Department of Justice of the settlement of any action filed on behalf of California River Watch under the Clean Water Act. We will make every effort to avoid any such oversight in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Bernhaut", is written over a light gray dotted rectangular background.

Jerry Bernhaut

JB:lhbm

cc: Steven C. Mitchell, Esq. (Via Electronic Mail)  
James Lance, Jr., Esq. (Via Electronic Mail)  
California River Watch